IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA CIVIL ACTION NO. 1:07-CV-00739

DAVID F. EVANS, et al.,)
Plaintiffs,)))
V.) MOTION BY BRIAN MEEHAN
THE CITY OF DURHAM,) TO DISMISS SECOND AMENDED) COMPLAINT
NORTH CAROLINA, et al.,	
Defendants.))
Landau La	

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant Brian Meehan ("Meehan") respectfully moves the Court to dismiss plaintiffs' Second Amended Complaint against said defendant for lack of standing and for failure to state a claim upon which relief can be granted.

In support of his Motion, and pursuant to the Court's February 16, 2010 Order (**D.E. 115**), Meehan incorporates herein by reference his previously filed briefing papers as described below:

- (D.E. 31) Joinder in Brief in Support of Motion to Dismiss of Defendants DNA Security, Inc. ("DSI") and Richard Clark ("Clark"), which joins in and adopts by reference the Brief in Support of Motion to Dismiss of Defendants DSI and Clark (D.E. 33);
- (D.E. 64) Joinder in Reply in Support of Motion to Dismiss of Defendants DSI and Clark, which joins in and adopts by reference the Reply Brief in Support of Motion to Dismiss by DSI and Clark (D.E. 63); and

00370232.WPD

• (D.E. 102) Joinder in Defendants DSI and Clark's Supplemental Brief in Support of Motion to Dismiss, which joins in and adopts by reference the Supplemental Brief in Support of Motion to Dismiss by Defendants DSI and Clark (D.E. 98).

For the reasons set forth therein, Meehan respectfully requests that the claims against him be dismissed.

Respectfully submitted, this the 10th day of March, 2010.

LEWIS & ROBERTS, PLLC

s/James A. Roberts, III

James A. Roberts, III N.C. State Bar No. 10495

E-mail: jimroberts@lewis-roberts.com 3700 Glenwood Avenue, Suite 410

Raleigh, NC 27612

Telephone: 919-981-0191 Facsimile: 919-981-0199

s/Paul R. Dickinson, Jr.

Paul R. Dickinson, Jr.

N.C. State Bar No. 20510

E-mail: pauldickinson@lewis-roberts.com

5960 Fairview Road, Suite 102

Charlotte, NC 28210

Telephone: 704-347-8990 Facsimile: 704-347-8929

Attorneys for Defendant Brian Meehan

00370232.WPD 2

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2010, I electronically filed the foregoing **MOTION BY BRIAN MEEHAN TO DISMISS SECOND AMENDED COMPLAINT** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Brendan V. Sullivan, Jr.
Robert M. Cary
Christopher N. Manning
Charles Davant IV
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005

Counsel for Plaintiffs David F. Evans and Collin Finnerty

David S. Rudolf RUDOLF WIDENHOUSE & FIALKO 312 West Franklin Street Chapel Hill, NC 27516

Counsel for Plaintiff Reade Seligmann

Richard D. Emery Ilann M. Maazel EMERY CELLI BRICKERHOFF & ABADY LLP 75 Rockefeller Plaza, 20th Floor New York, NY 10019

Counsel for Plaintiff Reade Seligmann

Reginald B. Gillespie, Jr. FAISON & GILLESPIE 5517 Durham-Chapel Hill Blvd., Ste. 2000 P.O. Box 51729 Durham, NC 27717-1729

Counsel for Defendant City of Durham, NC

James B. Maxwell MAXWELL FREEMAN & BOWMAN, P.A. P.O. Box 52396 Durham, NC 27717-2396

Counsel for Defendant David Addison

Patricia P. Kerner
D. Martin Warf
Hannah Gray Styron
TROUTMAN SANDERS, LLP
434 Fayetteville Street, Suite 1900
Raleigh, NC 27601

Counsel for Defendants Steven Chalmers, Beverly Council, Ronald Hodge, Jeff Lamb, Patrick Baker, Michael Ripberger and Lee Russ

Paul R. Dickinson, Jr. LEWIS & ROBERTS PLLC 5960 Fairview Road, Ste. 102 Charlotte, NC 28210-3103

James A. Roberts, III LEWIS & ROBERTS PLLC 1305 Navaho Drive, Suite 400 Raleigh, NC 27609-7482

Counsel for Defendant Brian Meehan

Joel M. Craig
Henry W. Sappenfield
KENNON CRAVER BELO CRAIG
& McKEE, PLLC
4011 University Drive, Suite 300
P.O Box 51579
Durham, NC 27717-1579

Counsel for Defendant Benjamin Himan

Linwood Wilson
*Address redacted pursuant to Local Rule

Pro se

James B. Craven, III 340 West Main Street P.O. Box 1366 Durham, NC 27702

Counsel for Michael B. Nifong

David W. Long
Edwin M. Speas, Jr.
Eric P. Stevens
POYNER SPRUILL, LLP
P.O. Box 1801
Raleigh, NC 27602-1801

Counsel for Defendant Mark Gottlieb

Respectfully Submitted, s/James A. Roberts, III